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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/511,417

05/23/2005

Bernd Rumpf

04345594

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34431 7590 10/30/2007
HANLEY, FLIGHT & ZIMMERMAN, LLC
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EXAMINER

AU, SCOTT D

ART UNIT

PAPER NUMBER

2612

MAIL DATE

DELIVERY MODE

10/30/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/511,417

Applicant(s)

RUMPF, BERND

Examiner

Scott Au

Art Unit

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 October 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) ✓
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08) ✓
Paper No(s)/Mail Date _____.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

The application of Rumpf for an "Apparatus for providing drive-off security in a motor vehicle environment and a motor vehicle being provided with such apparatus" filed March 19, 2003 has been examined.

Claims 1-6 are pending.

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must label the boxes in the Figures. Therefore, in Figures 1 and 2, numbers must be labeled. No new matter should be entered.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3-4 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Gilmore (6,144,112).

Referring to claim 1, Gilmore teaches an apparatus for providing drive-off security in a motor vehicle (1) (i.e. engine immobilization system) through blocking one or more vehicle engine system subfunctions (i.e. see Fig. 1) comprising, an on-off

Art Unit: 2612

control circuit (16) (i.e. pump control unit 16 enabling and disabling fuel pump 18 upon the first and second response codes agreement, see Fig. 2B) pertaining to and controlling a fuel pump arrangement, wherein the on-off control circuit is triggered to an off position by detecting of an unauthorized system activation (col. 4 lines 8-14, col. 6 lines 26-33).

Referring to claim 3, Gilmore teaches an apparatus as claimed in claim 1, wherein said control circuit is physically integrated with a fuel tank (i.e. tank is not shown connected by fuel inlet line 17) or fuel pump (18) (i.e. fuel injection pump) element of said motor vehicle (col. 2 lines 60-67; see Fig. 1).

Referring to claim 4, Gilmore teaches an apparatus as claimed in claim 1, wherein in operativity activation, said fuel pump arrangement requires a pre-established code word from an electronic circuit (col. 3 lines 16-22).

Referring to claim 6, Gilmore teaches a motor vehicle comprising an apparatus for providing drive-off security of said motor vehicle through blocking one or more vehicle engine system subfunctions (i.e. see Fig. 1), such blocking being triggered to a detection of an unauthorized system activation, wherein said sub-function facility comprises an on-off control circuit controlling a fuel pump arrangement (i.e. see Abstract, col. 4 lines 8-14, col. 6 lines 26-33).

Art Unit: 2612

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gilmore (US# 6,144,112) as applied to claim 1 above, and further in view of Durell (US# 5,193,641).

Referring to claim 2, Gilmore teaches an apparatus as claimed in claim 1. Gilmore teaches the tank is not shown, is connected by inlet line 17 (i.e. see Fig. 1). Therefore, it is obvious that Gilmore teaches the control circuit (8) (i.e. fuel pump module) is physically arranged in the immediate vicinity of a fuel tank of the motor vehicle (col. 4 lines 8-15).

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gilmore (US# 6,144,112) as applied to claim 1 above, and further in view of Durell (US# 5,193,641).

Referring to claim 5, Gilmore teaches the apparatus of claim 1. However, Gilmore did not explicitly disclose wherein said electronic circuit further controls one or

Art Unit: 2612

more of a start means inhibition, a spark means inhibition, or fuel injection means inhibition facilities.

In analogous art, Durell teaches switches (62,63, 48,23,26) are operating in a close or open position is to determine the fuel control system (col. 3 line 63 to col. 4 line 7; see Fig. 4). Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention to have switches (62,63, 48,23,26) with the Gilmore motor since this would aid in preventing unauthorized of operating the vehicle.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Joao et al. (US# 5,839,081) disclose an apparatus and method for vehicle anti-theft.

Mutoh et al. (US# 5,598,898) disclose a vehicle antitheft system.

Any inquiry concerning this communication or earlier communications form the examiner should be directed to Scott Au whose telephone number is (571) 272-3063.


The examiner can normally be reached on Mon-Fri, 8:30AM – 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Hofsass can be reached at (571) 272-2981. The fax phone numbers for the organization where this application or proceeding is assigned are (571)-272-1817.

Art Unit: 2612

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-3050.

Scott Au
Examiner
Art Unit 2612



BRIAN ZIMMERMAN
PRIMARY EXAMINER